

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CAUSE NO. 4:18-CR-368
	§	
SCOTT BREIMEISTER (02)	§	

ORDER

Defendant Breimeister's opposed motion to withdraw the order denying his Double Jeopardy motion and to conduct a hearing on the Double Jeopardy issue, and his unopposed motion for the Court to make findings of fact and conclusions of law on his motion to bar a retrial based on Double Jeopardy is **GRANTED**.

The Court **WITHDRAWS** its oral order of April 4, 2023, denying Breimeister's opposed motion to bar a retrial based on Double Jeopardy.

The Court **ORDERS** the Government to respond to Breimeister's opposed motion to bar a retrial based on Double Jeopardy by _____, 2023.

The Court **SETS** Breimeister's opposed motion to bar a retrial based on Double Jeopardy for a hearing on _____, 2023.

The Court will make written findings of fact and conclusions of law on the Double Jeopardy motion at a future date.

The Court finds that Breimeister's opposed motion to bar a retrial based on Double Jeopardy is **NOT FRIVOLOUS**.

SIGNED ON _____, 2023.

Honorable Alfred H. Bennett
United States District Judge